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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,526	03/27/2004	Julian James Orbach	403104-A-01-US (Orbach)	1176
47523	7590	09/08/2006	EXAMINER	
JOHN C. MORAN, ATTORNEY, P.C. 4120 EAST 115 PLACE THORNTON, CO 80233-2623			DOAN, KIET M	
			ART UNIT	PAPER NUMBER
			2617	
DATE MAILED: 09/08/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,526

Applicant(s)

ORBACH, JULIAN JAMES

Examiner

Kiet Doan

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10-26, 28-30, 32-48, 50-52 and 54-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10-26, 28-30, 32-48, 50-52, 54-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is response to Remark file on 06/24/2006.

Claims 1, 3, 6, 11, 23, 25, 28, 33, 45, 47, 50, 55 are amended.

Claims 61-63 are new.

Claims 5, 9, 27, 31, 49 and 53 are cancelled,

Response to Arguments

Applicant's arguments filed 06/24/2006 have been fully considered but they are not persuasive.

In response to **claims 1 and 23**, applicant's argument that reference does not disclose or suggest "receiving a time specifying the delay from the user after the incoming call is received; inserting the time into a predefined message; and transmitting the predefined message that is selected by the user to the calling party".

Examiner respectfully disagrees, in Cronin (No. 6,216,016) reference teaches "receiving a time specifying the delay from the user after the incoming call is received; inserting the time into a predefined message; and transmitting the predefined message that is selected by the user to the calling party" (C1, L36-61, C4, 45-45-54, C5, L1-60 teach when receiving call, the predefined message selected by the user and sent to the caller wherein contain time of every 20 or 30 second are transmitted so the caller have an idea about the circumstance means as specifying time delay from the user).

Therefore, examiner interpreted "receiving a time specifying the delay from the user after the incoming call is received; inserting the time into a predefined message;

and transmitting the predefined message that is selected by the user to the calling party” as broadest reasonable interpretation and it is proper.

In response to **claims 3 and 25**, applicant’s argument and amended claim. Therefore new ground of rejection is applied.

In response to **claim 12**, applicant’s argument that reference do not disclose or suggest singularly or combination “the answering of an incoming call upon a predefined amount of movement of the handset being detected”.

Examiner respectfully disagrees and rejected base on claim language wherein allow to limited of the claim limitation which Coombes (No. 2004/0198461) teaches “answering the incoming call by the wireless handset in response to one of at least an input from the user (Abstract, Paragraphs [0008], [0012] teach answering the incoming call by the user) **or** a predefined amount of movement of the wireless handset when the telecommunication terminal is not engaged in another call”.

Therefore, examiner interpreted and rejected base on limited of claim limitation and it is proper.

In response to **claim 56**, applicant’s argument that combination of reference fail to teach or suggest “means for detecting movement of the communication terminal; and means for transmitting a message to the calling party upon detection of the incoming call and movement”.

Examiner respectfully disagrees, in Coombes (No.2004/0198461) teaches "means for detecting movement of the communication terminal; and means for transmitting a message to the calling party upon detection of the incoming call and movement" (Abstract, Paragraphs [0008], [0011-0012], [0014] teach mobile/terminal communication receiving call and put call on hold means as detecting movement of the communication terminal and users select message to transmit to the calling party as Fig.2 Illustrate).

Therefore, examiner interpreted "means for detecting movement of the communication terminal; and means for transmitting a message to the calling party upon detection of the incoming call and movement" as broadest reasonable interpretation and it is proper.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1, 2, 4, 6-7, 12-13, 15, 17-18, 23-24, 26, 28-29, 34-35, 37, 39-40, 45-46, 48, 50-51, 56, 59-60** are rejected under 35 U.S.C. 103(a) as being unpatentable over Coombes (Pub. No. 2004/0198461) in view of Cronin (Patent No. 6,216,016).

Consider **claims 1, 12, 23, 34, 45, 56, 59-60**. Coombes teaches a method for alerting a calling party of a delay before an incoming call will be answered by a user of a called telecommunication terminal, comprising the steps of:

answering the incoming call by the telecommunication terminal in response to an input from the user when the telecommunication terminal is not engaged in another call;

muting an audio path of the answered call from communication with the user (Abstract, Paragraphs [0008], [0011-0012], [0014] teach mobile/terminal communication receiving call wherein hold the call until users speak with the user which read on muting an audio path of the answered call from communication with the user and further transmit the pre-recorded greeting to the calling party which read on transmitting the predefined message that is selected by the user to the calling party). Coombes teach the limitation of claim as discuss **but silent on**

receiving a time specifying the delay from the user after the incoming call is received;

inseting the time into a predefined message; and

transmitting the predefined message that is selected by the user to the calling party.

In an analogous art, Cronin teaches "Method and system for generating and transmitting a waiting message". Further, Cronin teaches receiving a time specifying the delay from the user after the incoming call is received;

inseting the time into a predefined message; and

transmitting the predefined message that is selected by the user to the calling party (C1, L36-61, C4, 45-45-54, C5, L1-60 teach when receiving call, the predefined message selected by the user and sent to the caller wherein contain time of every 20 or 30 second which read on receiving a time specifying the delay and means as inserting the time into a predefined message).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Coombes and Cronin system, such that answering the incoming call by the telecommunication terminal in response to an input from the user when the telecommunication terminal is not engaged in another call, muting an audio path, receiving a time specifying the delay from the user and transmitting the predefined message that is selected by the user to the calling party to provide means for the caller awareness of call are still activated and knowing status of call and avoid unnecessary hand up.

Consider **claims 2, 13, 24, 35 and 46**. Coombes teaches the method of claim 1 further comprises the step of maintaining the incoming call from the calling party with the audio path muted to the user; and allowing audio communication by the user with calling party in response to another input from the user (Paragraph [0012] teach call put on hold means as maintaining the incoming call from the calling party and audio/answering normal way by the users).

Consider **claims 4, 15, 26, 37 and 48**. Coombes teaches the method of claim 1 wherein the message is an audio message and the audio message is transmitted via the audio path to the calling party (Paragraph [0011] teach PRGSM as audio message is transmitted to the calling party).

Consider **claims 6, 17, 28, 39 and 50**. Cronin teaches the method of claim 5 wherein the step of inserting comprises converting the time to audio information for insertion into the predefined message (C1, L38-61, C3, L5-17).

Consider **claims 7, 18, 29, 40 and 51**. Coombes teaches the method of claim 6 further comprises the step of recording the predefined message (Paragraph [0011] teach recording message).

2. Claims 8, 10-11, 19, 21-22, 30, 32-33, 41, 43-45, 52 and 54-55, 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coombes (Pub. No. 2004/0198461) in view of Cronin (patent No. 6,216,016) and further view Parson et al. (Patent No. 6,704,565).

Consider **claims 8, 19, 30, 41, 52, 57-58**. Coombes and Cronin teaches the limitation of claims as discuss above **but fail to teach** the method of claim 1 wherein the message is a text message.

In an analogous art, Parsons et al. teaches "Method and apparatus for providing a hold termination message service in a communications network". Further, Parson teaches the method of claim 1 wherein the message is a text message (C4, L46-49, claim 4, teach hold message is a text message).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Coombes, Cronin and Parson system, such that message is a text message to provide means for users easy and convenient to check message without dial into voice mail.

Consider **claims 10, 21, 32, 43 and 54**. Parson teaches the method of claim 8 wherein the transmission of the text message is via a text messaging link (C4, l1-15, Claim 4 and claim 10 teach hold message is text via wireless call means as text messaging link).

Consider **claims 11, 22, 33, 44 and 55**. Coombes teaches the method of claim 9 further comprises the step of entering the predefined message (Paragraph [0011]).

3. **Claim 3, 25, 47** are rejected under 35 U.S.C. 103(a) as being unpatentable over Coombes (Pub. No. 2004/0198461) in view of Parsons et al. (Pub. No. 6,704,565).

Consider **claims 3, 25, 47**. Coombes teaches a method for alerting a calling party of a delay before an incoming call will be answered by a user of a called telecommunication terminal, comprising the steps of:

answering the incoming call by the telecommunication terminal in response to an input from the user when the telecommunication terminal is not engaged in another call; muting an audio path of the answered call from communication with the user; transmitting message that is selected by the user to the calling party (Abstract, Paragraphs [0008], [0011-0012], [0014] teach mobile/terminal communication receiving call wherein hold the call until users speak with the user which read on muting an audio path of the answered call from communication with the user and further transmit the pre-recorded greeting to the calling party which read on transmitting the predefined message that is selected by the user to the calling party). Coombes teach the limitation of claim as discuss **but silent on** terminating the incoming call after transmission of the message.

Parsons teaches terminating the incoming call after transmission of the message (C2, L60-67, C3, L1-28 teach wireless telephone 300 leave message and terminate call which read on terminating the incoming call after transmission of the message).

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Coombes and Parson system, such that answering the incoming call by the telecommunication terminal when the telecommunication terminal is not engaged in another call and terminating the incoming call after transmission of the message to provide means for the users does not waiting too long and terminate call without hang up.

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4. **Claims 61-63** are rejected under 35 U.S.C. 103(a) as being unpatentable over Coombes (Pub. No. 2004/0198461) in view of Parsons et al. (Pub. No. 6,704,565) and further view of Cronin (Pub. No. 6,216,016).

Consider **claims 61-63**. Coombes and Parsons teach the limitation of claim as discuss above **but silent on** the method of claim 3 wherein the message is a predefined message and the method further comprises the step of receiving a time specifying the delay before user return the incoming call from the user after the incoming call is received; and

inserting the time into a predefined message.

Cronin teaches the method of claim 3 wherein the message is a predefined message and the method further comprises the step of receiving a time specifying the delay before user return the incoming call from the user after the incoming call is received; and

inserting the time into a predefined message (C1, L36-61, C4, 45-45-54, C5, L1-60 teach when receiving call, the predefined message selected by the user and sent to the caller wherein contain time of every 20 or 30 second which read on receiving a time specifying the delay and means as inserting the time into a predefined message.

Therefore, it would have been obvious at the time that the invention was made that person having ordinary skill in the art to modify Coombes, Parson and Cronin system, such that receiving a time specifying the delay before user return the incoming call from the user after the incoming call is received; and inserting the time into a

predefined message to provide means for controlling the message play/sent the the caller which aware desire to hold or hang up.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

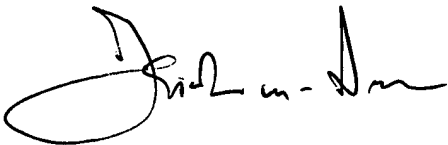
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiet Doan whose telephone number is 571-272-7863. The examiner can normally be reached on 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kiet Doan
Patent Examiner

JEAN GELIN
PRIMARY EXAMINER

